



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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**DEP FEES AND PROGRAM IMPROVEMENTS  
REGULATION PACKAGE 2007-3**

July 13, 2007

With Amendments to MassDEP Regulations:

**TIMELY ACTION SCHEDULE AND FEE PROVISIONS  
310 CMR 4.00**

**SEWER SYSTEM EXTENSIONS AND CONNECTION PERMIT PROGRAM  
314 CMR 7.00**

**BOARD OF REGISTRATION OF OPERATORS OF  
WASTEWATER TREATMENT FACILITIES  
257 CMR 2.00**

For Agency Review and Public Hearing

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## SUMMARY

Amendments to DEP regulations for the Industrial Wastewater Sewer System Extension and Connection Program and related fee categories were filed as emergency provisions on June 29, 2007 and are in effect for 3 months. Following public hearings, the Department proposes to file a certificate of compliance with the Secretary of the Commonwealth's Regulations Division making the amendments permanent.

These amendments are required in order to maintain regulatory consistency with recent amendments to 314 CMR 7.00, Sewer Extension and Connection Permit Program regulating industrial sewage discharges. The fee amendments delete 6 categories of permit fees; add 4 categories, and update 1 existing compliance fee category in 310 CMR 4.00. The program regulation amendments correct or otherwise clarify the applicability of regulations in 314 CMR 7.00 and 257 CMR 2.00.

These emergency amendments include provisions creating fees for permit categories in 310 CMR 4.00 that are required for several hundred industrial facilities in Massachusetts during the period beginning July 12, 2007. Having these fee provisions in effect simultaneously with the permit requirements will ensure that the regulated community will be treated equitably and minimize confusion. These amendments will:

- Create a permit fee category (BWPIW38) for discharges of more than 50,000 GPD into IPP POTWs;
- Create a permit fee category (BWPIW39) for discharges of more than 25,000 GPD into NON-IPP POTWs;
- Create a permit fee category (BWPIW40) for any discharges requiring a permit as determined by the Department (other than BWPIW 38 or 39);
- Create a permit fee category (BWPIW41) for any Industrial Wastewater Pretreatment System (IWPS) requiring plan approval as determined by the Department;
- Modify the sewer user annual compliance fee that applies to BWPIW38, 39, 40, and Sewer User Certifiers listed in 314 CMR 7.17(2);
- Delete all current Industrial Wastewater sewer permit categories except for BWPIW25 for experimental or alternative technologies.

The amendments to 314 CMR 7.00 correct and clarify the schedule for submitting required permit applications and certifications.

The amendments to 257 CMR 2.00 remove duplicative text identifying treatment systems exempt from certified operator requirements.

## **II. SCHEDULE FOR PROMULGATING REGULATIONS**

Amendments to 314 CMR 7.00 and 257 CMR 2.00 adopted under emergency provisions become effective for 3 months.	June 29, 2007
Amendments to 310 CMR 4.00 adopted under emergency provisions become effective for 3 months.	July 13, 2007
Notification of public hearings and amendments mailed to all appropriate agencies, groups and registered interested parties as required.	July 23, 2007
Hearing notice published in newspapers and posted with amendment text on DEP website.	August 6, 2007
Hearing Notice published in MA Register.	August 10, 2007
Public Hearings.	August 27, 2007 August 28, 2007
End of public comment period	September 7, 2007
Notice of Compliance filed with the Secretary of the Commonwealth.	September 21, 2007

### **III. NOTICE OF PUBLIC HEARING**

The Commonwealth of Massachusetts  
Executive Office of Environmental Affairs  
Department of Environmental Protection  
NOTICE

Notice is hereby given that the Department of Environmental Protection (MassDEP), acting in accordance with the provisions of M.G.L. c.21, §27, c.21A, §2(28), c.111, § 160, c.21A, §18 and in conformance with M.G.L. c.30A, will hold public hearings on amendments to MassDEP regulations.

Amendments to 310 CMR 4.00, Timely Action Schedule and Fee Provisions delete 6 categories of permit fees, add 4 categories and updates 1 category of annual compliance fee in keeping with recent changes to the Department's Sewer Extension and Connection Permit Program. Amendments to 314 CMR 7.00, Sewer Extension and Connection Permit Program, correct and clarify the schedule for submitting required permit applications and certifications. Amendments to 257 CMR 2.00, Board of Registration of Operators of Wastewater Treatment Facilities, remove duplicative text identifying treatment systems exempt from certified operator requirements.

Filed as emergency amendments on June 29, 2007, these regulations are in effect for 3 months and are proposed to be made permanent following these public hearings.

Public Hearings will be conducted under the provisions of Chapter 30A of the Massachusetts General Laws on:

August 27, 2007 -- Springfield - 10:00 a.m.  
Department of Environmental Protection, Western Regional Office, 436 Dwight Street  
August 27, 2007 -- Worcester - 2:00 p.m.  
Department of Environmental Protection, Central Regional Office, 627 Main Street  
August 28, 2007 -- Boston -- 10:00 a.m.  
Department of Environmental Protection, One Winter Street

Testimony may be presented orally or in writing at the public hearings. In addition, written comments will be accepted at the addresses below until 5:00 p.m. on September 7, 2007. Please submit three copies of any written testimony.

Written testimony must be submitted to Jay Eberle, 3<sup>rd</sup> Floor, Department of Environmental Protection, One Winter Street, Boston, MA 02108

Copies of the regulations and background documents will be available at the DEP website: [www.state.ma.us/dep](http://www.state.ma.us/dep) and during normal business hours at DEP Boston Info Center and the following regional office Service Centers:

DEP Northeast Region, 205B Lowell St., Wilmington, MA (978) 694-3200  
DEP Southeast Region, 20 Riverside Drive, Lakeville, MA (508) 946-2714  
DEP Western Region, 436 Dwight Street, Suite 402, Springfield, MA (413) 784-1100 x2214  
DEP Central Region, 627 Main Street, Worcester, MA (508) 792-7683

This information is available in alternate format upon request to: ADA Coordinator, BAS/HR, 4<sup>th</sup> Floor, One Winter Street, Boston, MA 02108 at (617) 574-6872.  
For special accommodations for this event, call (617) 292-5810/ One Winter Street, 3<sup>rd</sup> floor, Boston, MA 02108. The DEP Boston Info Center may be reached at 1-800-462-0444.

By Order of the Department  
Arleen O'Donnell, Commissioner

**IV. Amendments to 310 CMR 4.00**  
**Timely Action Schedule and Fee Provisions**

## **6-14-07 initial INDEX Fee EMERGENCY Regulation Package 07-3**

Proposed Amendments to 310 CMR 4.00

page	section	category	description of change
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### **Annual Compliance Assurance Fees effective July 13, 2007**

75	4.03(2) Table	IWW	Sewer Discharger - change category universe to permits IW38-39-40 and certifications at 314 CMR 7.17(2) (under 25,000 gpd to non-IPP POTW)
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### **Permit Application Fees effective July 13, 2007**

117	4.10(5)(h)	IW10	Delete sewer category
117	4.10(5)(i)	IW12	Delete sewer category
118	4.10(5)(j)	IW23	Delete sewer category
118	4.10(5)(k)	IW24	Delete sewer category
118	4.10(5)(l)(1)	IW33	Delete sewer category
119	4.10(5)(l)(2)	IW34	Delete sewer category
119	4.10(5)(n)	IW38	Add sewer connection category for Discharges of over 50,000 gpd to IPP POTW, \$ 1605 timeline 15-15-15-15 days
119	4.10(5)(o)	IW39	Add sewer connection category for Discharges of over 25,000 gpd to non-IPP POTW; \$ 1605 timeline 15-15-15-15 days
119	4.10(5)(o)(1)	IW40	Add sewer connection category for Discharge permits required by DEP general authority at 314 CMR 7.03; \$ 2010 timeline 24-96-180-96-72 days
119	4.10(5)(o)(2)	IW41	Add sewer connection category for Pretreatment System (IWPS) plan approval required by DEP general authority at 310 CMR 7.03; \$ 1340 timeline 24-96-180-96-72 days

**6/14/07 Initial Highlight/Strikeout text of Emergency Amendments  
to 310 CMR 4.00 Regulation Package 07-3**

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4.03(2) Table

INDUSTRIAL WASTEWATER

Sewer Connections

\$175 ~~Department~~ Permitted sewer dischargers pursuant to 314 CMR 7.00, holding a permit including IW38, IW39, or IW40 and certifiers pursuant to 314 CMR 7.17(2), excluding dry cleaner, photo processor, printer, and dental certifiers pursuant to 310 CMR 70.00, effective ~~January 12, 2007~~ July 13, 2007

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Sewer Connection

~~(h) (BWPIW10) Permits for Industrial Wastewater Management Program: sewer connections/extensions~~

- ~~1. Category: permit and plan approval for Type II wastewater treatment facility.~~
- ~~2. Description: permit for discharge pursuant to 314 CMR 7.00 and authorization to construct and operate a Type II wastewater treatment facility, as required under 314 CMR 12.00 and defined in 257 CMR 2.00.~~
- ~~3. Schedule for timely action: for projects for which applications are filed and fees received on or after June 27, 2003,~~
  - ~~a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.~~
  - ~~b. Within 120 days of making a determination of administrative completeness, the Department shall complete a technical review.~~
  - ~~c. The permit applicant may remedy identified deficiencies within 180 days of the Department's statement identifying deficiencies, if any.~~
  - ~~d. Within 120 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.~~
  - ~~e. Within 90 days of the close of the period for public comment, including any public hearing, the Department shall complete a public comment review.~~
- ~~4. Permit application fee: \$ 2,010.~~

~~(i) (BWPIW12) Permits for Industrial Wastewater Management Program: sewer connections/extensions~~

- ~~1. Category: permit and plan approval for Type I wastewater treatment facility.~~
- ~~2. Description: permit for discharge pursuant to 314 CMR 7.00 and authorization to construct, operate or modify a Type I wastewater treatment facilities, as required under 314 CMR 12.00 and defined in 257 CMR 2.00.~~
- ~~3. Schedule for timely action: for projects for which applications are filed and fees received on or after June 27, 2003,~~
  - ~~a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.~~
  - ~~b. Within 110 days of making a determination of administrative completeness, the Department shall complete a technical review.~~



- ~~c. The permit applicant may remedy identified deficiencies within 180 days of the Department's statement identifying deficiencies, if any.~~
  - ~~d. Within 110 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.~~
  - ~~e. Within 90 days of the close of the period for public comment, including any public hearing, the Department shall complete a public comment review.~~
- ~~4. Permit application fee: \$ 1,605.~~
- ~~(j) (BWPIW23) Permits for Industrial Wastewater Management Program: sewer connection/extension.~~
  - ~~1. Category: plan approval for a Type II wastewater treatment facility~~
  - ~~2. Description: approval of plan and authorization to construct and operate a Type II wastewater treatment facility pursuant to 314 CMR 12.00 for Type II facility as defined in 257 CMR 2.00. This category is only available for facilities which have obtained any and all permits required by M.G.L. c. 21, § 43, and regulations issued thereunder, and for a modification which will not require suspension, revocation or renewal of permit.~~
  - ~~3. Schedule for timely action: for projects for which applications are filed and/or fees received on or after June 27, 2003,~~
    - ~~a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.~~
    - ~~b. Within 90 days of making a determination of administrative completeness, the Department shall complete a technical review.~~
    - ~~c. The permit applicant may remedy identified deficiencies within 180 days of the Department's statement identifying deficiencies, if any.~~
    - ~~d. Within 90 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.~~
  - ~~4. Permit application fee: \$1,340~~
- ~~(k) (BWPIW24) Permits for Industrial Wastewater Management Program: sewer connection/extension.~~
  - ~~1. Category: plan approval for a Type I wastewater treatment facility.~~
  - ~~2. Description: approval of plan and authorization to construct and operate a Type I wastewater treatment facility pursuant to 314 CMR 12.00 for Type I facility as defined in 257 CMR 2.00. This category is only available for facilities which have obtained any and all permits required by M.G.L. c. 21, §§ 27 and 43 and for a modification which will not require suspension, revocation or renewal of permit.~~
  - ~~3. Schedule for timely action: For projects for which applications are filed and/or fees received on or after June 27, 2003,~~
    - ~~a. Within 30 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review.~~
    - ~~b. Within 90 days of making a determination of administrative completeness, the Department shall complete a technical review.~~
    - ~~c. The permit applicant may remedy identified deficiencies within 180 days of the Department's statement identifying deficiencies, if any.~~
    - ~~d. Within 90 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.~~

4. ~~Permit application fee: \$870.~~
- (1)(1) ~~(BWPIW33) Permits for Industrial Wastewater Management Program: Sewer Connections/extensions.~~
1. ~~Category: permit without plan approval.~~
  2. ~~Description: permit for discharge to the sewer system pursuant to 314 CMR 7.00.~~
  3. ~~Schedule for timely action: for projects for which applications are filed and fees received on or after June 27, 2003,~~
    - a. ~~Within 30 days of receipt of an application and payment of the permit application fee, the department shall complete an administrative completeness review.~~
    - b. ~~Within 90 days of making a determination of administrative completeness, the Department shall complete a technical review.~~
    - c. ~~The permit applicant may remedy identified deficiencies within 90 days of the Department's statement identifying deficiencies, if any.~~
    - d. ~~Within 90 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.~~
    - e. ~~Within 90 days of the close of the period for public comment including any period for public hearing, the Department shall complete a public comment review.~~
4. ~~Permit application fee: \$800~~
- (1)(2) ~~(BWPIW34) Permits for Industrial Wastewater Management Program: Sewer Connections/extensions.~~
1. ~~Category: permit renewal or modification, without modification of wastewater treatment facility.~~
  2. ~~Description: Permit renewal or modification, without plan modification for facility holding permit BWPIW10 or BWPIW12.~~
  3. ~~Schedule for timely action: for projects for which applications are filed and fees received on or after June 27, 2003,~~
    - a. ~~Within 30 days of receipt of an application and payment of the permit application fee, the department shall complete an administrative completeness review.~~
    - b. ~~Within 90 days of making a determination of administrative completeness, the Department shall complete a technical review.~~
    - c. ~~The permit applicant may remedy identified deficiencies within 90 days of the Department's statement identifying deficiencies, if any.~~
    - d. ~~Within 90 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.~~
    - e. ~~Within 90 days of the close of the period for public comment including any period for public hearing, the Department shall complete a public comment review.~~
4. ~~Permit application fee: \$600~~
- (m) (BWPIW25) Permits for Industrial Wastewater Management Program: sewer connections
1. Category: permit to discharge with experimental or alternative treatment technology pursuant to 314 CMR 7.03.

2. Schedule for timely action: for projects for which applications are filed and fees received on or after July 1, 1992, Individual rule project subject to 310 CMR 4.05.
3. Permit application fee: Individual rule project subject to 310 CMR 4.05.

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(n) (BWPIW38) ~~reserved~~ Permits for Industrial Wastewater Management Program: sewer connection/extension.

1. Category: Sewer connection.
2. Description: Permit pursuant to 314 CMR 7.03 and 7.05(2)(g)11 for any sewer connection or addition to an existing connection for discharges greater than 50,000 gallons per day to an IPP POTW.
3. Schedule for timely action: for projects for which applications are filed and/or fees received on or after July 13, 2007,
  - a. Within 15 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness and technical review.
  - b. The permit applicant may remedy identified deficiencies within 15 days of the Department's statement identifying deficiencies, if any.
  - c. Within 15 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
  - d. Within 15 days of the close of the period for public comment, including a public hearing, if any, the Department shall complete a public comment review.
4. Permit application fee: \$1,605

(o) (BWPIW39) ~~reserved~~ — Permits for Industrial Wastewater Management Program: sewer connections.

1. Category: Sewer connection.
2. Description: Permit pursuant to 314 CMR 7.03 and 7.05(2)(g)12 for any sewer connection or addition to an existing connection for discharges greater than 25,000 gallons per day to a non-IPP POTW.
3. Schedule for timely action: for projects for which applications are filed and/or fees received on or after July 13, 2007,
  - a. Within 15 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness and technical review.
  - b. The permit applicant may remedy identified deficiencies within 15 days of the Department's statement identifying deficiencies, if any.
  - c. Within 15 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
  - d. Within 15 days of the close of the period for public comment, including a public hearing, if any, the Department shall complete a public comment review.
4. Permit application fee: \$1,605

(o)(1) (BWPIW40) Permits for Industrial Wastewater Management Program: sewer connections

1. Category: Sewer connection.
2. Description: Permit for a discharge required by the Department pursuant to 314 CMR 7.03.
3. Schedule for timely action: for projects for which applications are filed and/or fees received on or after July 13, 2007,
  - a. Within 24 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review
  - b. Within 96 days of making a determination of administrative completeness, the Department shall complete a technical review.
  - c. The permit applicant may remedy identified deficiencies within 180 days of the Department's statement identifying deficiencies, if any.
  - d. Within 96 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
  - e. Within 72 days of the close of the period for public comment, including a public hearing, if any, the Department shall complete a public comment review.
4. Permit application fee: \$2,010

(o)(2) (BWPIW41) Permits for Industrial Wastewater Management Program: sewer connections

1. Category: Plan Approval for Industrial Wastewater Pretreatment System (IWPS).
2. Description: Plan Approval for a wastewater pretreatment system pursuant to 314 CMR 12.03(4) and (11), as required by the Department pursuant to 314 CMR 7.03.
3. Schedule for timely action: for projects for which applications are filed and/or fees received on or after July 13, 2007,
  - a. Within 24 days of receipt of an application and payment of the permit application fee, the Department shall complete an administrative completeness review
  - b. Within 96 days of making a determination of administrative completeness, the Department shall complete a technical review.
  - c. The permit applicant may remedy identified deficiencies within 180 days of the Department's statement identifying deficiencies, if any.
  - d. Within 96 days of receipt of materials from the applicant in response to the Department's statement identifying deficiencies, the Department shall complete a supplemental technical review.
  - e. Within 72 days of the close of the period for public comment, including a public hearing, if any, the Department shall complete a public comment review.
4. Permit application fee: \$1,340

## V. Amendments to 314 CMR 7.00 Sewer System Extensions and Connection Permit Program

### 314 CMR 7.05(2)

(2) The provisions of 314 CMR 7.05 (2)(a) through (f) are effective on January 12, 2007. The provisions of 314 CMR 7.05 (2)(g) are effective on ~~July~~January 12, 2007. Facilities subject to 314 CMR 7.05(2)(g) have six months after the effective date to submit either a permit application or a certification, as applicable, to the Department. The following Industrial Users are not required to obtain or renew a permit under 314 CMR 7.00 and M.G.L. c. 21, § 43(2), provided that the Industrial User meets all the conditions of the applicable permit exemption in 314 CMR 7.05(2), as determined by the Department.

### 314 CMR 7.17(2)(a)

#### (2) Industrial User Listed in 314 CMR 7.17(2)(c).

(a) Beginning on July 12, 2007, ~~but no later than January 12, 2008~~, an Industrial User ~~listed~~ ~~classified~~ under 314 CMR 7.17(2)(c) and subject to 314 CMR 7.05(2)(g) shall submit an ~~initial~~ compliance certification ~~every five years~~ to the Department in accordance with the Environmental Results Program Certification regulations under 310 CMR 70.03 on a form prescribed by the Department ~~within the following time lines~~ as follows:

1. For an existing Industrial User **without** a DEP permit in accordance with 314 CMR 7.03, ~~before January 12, 2008~~ ~~within 60 days after July 12, 2007~~;
2. For an existing Industrial User **with** a DEP permit in accordance with 314 CMR 7.03, ~~before January 12, 2008 or~~ within 60 days after the permit expires, ~~whichever date is later.~~
3. For a new Industrial User, including a new owner, ~~before January 12, 2008 or~~ within 60 days after the commencement of the operation, ~~whichever is later; and~~

~~After initial certification, an Industrial User shall submit a compliance certification every five years.~~

## **VI. Amendments to 257 CMR 2.00**

### **Board of Registration of Operators of Wastewater Treatment Facilities**

#### 2.04: Exemptions

~~(1) Certified operators are not required at facilities utilizing only lime chip neutralization, silver recovery or oil/water separators – MDC traps. Closed loop systems do not require certified operators.~~

- (1) (2) The following treatment systems are exempt from certified operator requirements:
- (a) lime chip neutralization;
  - (b) neutralizing less than 100 gallons per day, in batches of two liters or less, in accordance with 314 CMR 7.05(2)(g)4a. and b.;
  - (c) small scale silver recovery;
  - (d) oil/water separators – MDC traps; and
  - (e) closed loop systems.